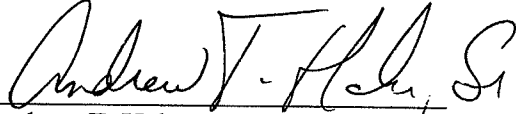


PLEASE TAKE NOTICE that upon the attached Declaration of Andrew T. Hahn, Sr., Esq., dated February 11, 2010, together with Exhibits 1 through 43 annexed thereto; accompanying Declaration of Joseph Scauzillo, dated February 11, 2010, together with Exhibits A through L; the accompanying Memorandum of Law; the accompanying Rule 56.1 Statement of Material Facts, and upon all the pleadings and proceedings herein, Defendant Allstate Insurance Company (“Defendant”), by its undersigned counsel, will move this Court on June 2, 2010 at 11:00 a.m., or at a date and time to be determined by the Court, before The Honorable Joseph F. Bianco, United States District Judge, Eastern District of New York, at the United States Courthouse, 100 Federal Plaza, Central Islip, New York 11722, for an order (i) dismissing

the Complaint with prejudice pursuant to Fed. R. Civ. P. 56; (ii) award to Allstate its attorneys' fees and/or costs; and (iii) grant to Allstate such other and further relief as this Court deems just and proper.

Dated: New York, New York
February 11, 2010

SEYFARTH SHAW LLP

By 

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